

---

**INDIAN CHILD  
WELFARE ACT  
(ICWA)**

In 1978, the federal Indian Child Welfare Act (ICWA) was passed to promote the stability and security of Indian tribes and cultures and to protect the best interests of Indian children and individual families by:

- Establishing minimum standards governing any interference with Indian children's relationships with their parents, family or tribe.
- Providing for the placement of Indian children who must be removed in foster or adoptive homes reflecting the unique values of Indian culture.
- Providing for assistance to Indian tribes for operations of child and family services programs.

**MICHIGAN INDIAN  
FAMILY  
PRESERVATION  
ACT (MIFPA)**

The Michigan Indian Family Preservation Act (MIFPA) was enacted by the state of Michigan on January 3, 2013. MIFPA strengthens, clarifies and enhances the federal Indian Child Welfare Act (ICWA) implementation in Michigan courts and state child welfare services.

**Protecting Indian  
Children**

Federal and state Indian child welfare policy promotes protection of the rights of Indian children to develop a tribal identity, and to maintain ties to the Indian community within a family where their Indian identity will be nurtured. This is based on the premise that protection of cultural identity, both as a community and as an individual, will produce the most well adapted adult Indian individual.

ICWA/MIFPA serves to promote the long-standing responsibility of Congress for the protection and preservation of Indian tribes and their resources. ICWA/MIFPA recognizes there is no resource more vital to the continued existence and integrity of Indian tribes than their children and the United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for

membership in an Indian tribe (Indian Child Welfare Act, 25 USC 1901 et. seq. and Michigan Indian Family Preservation Act, MCL 712B. 1 - 41).

### **Recognition of Tribes**

Department of Health and Human Services (MDHHS) recognizes that in serving Indian children, we are working with members or descendants of political entities; that is, with Indian tribes, and not with persons of a particular race. In addition, MDHHS recognizes the unique political status of tribes based on treaties and law. Indians have a dual citizenship status. Members of Indian tribes maintain their tribal citizenship at the same time as their citizenship in the U.S. (see NAG, Indian Self-Determination and Education Act).

### **LEGAL BASIS**

Bureau of Indian Affairs (BIA) ICWA Final Rule, 25 CFR 23.

Indian Child Welfare Act, 25 USC 1901 et. seq.

Indian Self-Determination and Education Act, 25 USC 450 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.